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SH2280312/FO2288190

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TRANSCRIBED INTERVIEWS

Internal Affairs Bureau Interview

Deputy Daniel Reyes' interview, including sketch drawn by Deputy Reyes during his interview

Homicide Bureau Interviews

Deputy Daniel Reyes
Deputy [redacted] (Incident Interview)
Deputy [redacted] (Interview prior to video)
Deputy [redacted] (Interview after video)
Civilian Witness [redacted]
Civilian Witness [redacted]
Civilian Witness [redacted]

EXHIBITS

A-Homicide Book
B-Table of contents for Homicide book (page 5) to reflect Justice System Integrity Division Letter of Opinion (not in Homicide Book), and Supplemental Homicide Reports
C- PM In-Service for East Los Angeles Station, dated January 11, 2011

MISCELLANEOUS DOCUMENTS

Deputy Reyes' Admonition form
(2) CDs; (1) containing recorded interviews and (1) containing radio traffic, (1) DVD containing [redacted] Surveillance video depicting traffic stop.

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 01-11-11	Bureau/Station/Facility: East Los Angeles	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 011-00518-0275-013	Date: 01-11-11 Time: 1917 hours
City or Station: East Los Angeles	Nature of Incident: Deputies attempt to detain Suspect Torres. Suspect retrieved secreted handgun and shot Deputy [redacted] in the face. Deputy Reyes began fighting with Suspect who pointed a handgun at Deputy Reyes chest. Deputy shot Suspect who died at hospital.
Location: [redacted]	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, (Street) — circled: **Street**; Other: ______

Lighting (*circle only one*): Darkness, Daylight, Other, Street Lights — circled: **Street Lights**

Weather (*circle only one*): Clear, Cloudy, Fog, Rain — circled: **Clear**

Distance: <1'

Incident Type (*circle one or more*): Accidental, Armed Person, Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ______ — circled: **Armed Person**, **Struggle Involved**, **Traffic Stop**

Initiated by (*circle only one*): Arrest Warrant, Call, Observation, One Person Unit, Other, Search Warrant, Two Person Unit — circled: **Observation**

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, Routine Patrol — circled: **Routine Patrol**

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
2	2	☐	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	[redacted]	[redacted]	[redacted]	EM **PM** (circled) Day	**Regular** (circled) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	Valencia	Javier	N/A	**On Duty** (circled); Present during shooting; Witness to shooting; Involved in shooting
[redacted]	Duran	Michael	A.	**On Duty** (circled); Present during shooting; Witness to shooting; Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Dancel	Lyndon	D.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Ladjevic	David	N/A

PSTD Use Only

SH # 2280312

SH-R-438A rev. 3/07

See Reverse

Officer Involved Shooting

URN: 011-00518-0275-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
01-11-11	2040	12-28-11	

Employee #	Last Name	First Name	M.I
[redacted]	Fredericks	Stefanie	R.
[redacted]	Haynes	Laura	L.
[redacted]	Grote	Dinah	L.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1,2	RS						
S#1	E#2	FH	GL	40			GS	FA
S#1	E#1	FH	GL	40			NN	
E#1	S#1	FH	BR	9	Y	Y	DH	FA

Officer Involved Shooting
Involved Employee Information

URN: 011-00518-0275-013

Involved Employee

E 1

Employee # [redacted]	Last Name: Reyes	First Name: Daniel	M.I. N/A
Sex: M Race: H	Rank: Deputy Sheriff-Bonus 1	Unit Assignment: ELA	Work Assignment (Unit #, Module, etc.): Patrol
ShiftTime (*circle only one*): EM (PM) Day — PM circled	ShiftType (*circle only one*): (Regular) Overtime Off Duty — Regular circled	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: — Interviewed? ☒
Hrs of sleep prior to shooting: 7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest) — Uniform w/ Vest circled	Other Factors:
Age: [redacted] Height: 5' 06" Weight: 185			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] — Number of Prior Shootings: [redacted] — Directed Force: [redacted]
Weapons Fired Brand: Beretta 92FS — Caliber: 9MM — # Shots: 2	Weapons Fired Brand: — Caliber: — # Shots:		
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp #	Last Name	First Name	M.I.

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ — Number of Prior Shootings: — Directed Force: ☐
Weapons Fired Brand: — Caliber — # Shots	Weapons Fired Brand: — Caliber — # Shots		
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ — Number of Prior Shootings: — Directed Force: ☐
Weapons Fired Brand: — Caliber — # Shots	Weapons Fired Brand: — Caliber — # Shots		
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting Suspect Information

URN: 011-00518-0275-013

Suspect Information

S__

Last Name: Torres		First Name: Nestor	M.I. R.
AKA Last Name: "Husky"		First Name:	M.I.
Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 37 D.O.B. 04-29-73	Height: 5' 08" Weight: 220	FBI #: [redacted]	CII #: [redacted]
Booking #: deceased	Primary Charge:	Secondary Charge:	
Coroner Case? ☒	Coroner Case # 2011-00313	Intoxication/Drug Usage? ☒	Substance Used: Phencycladine
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make:		Model:	Year:

S__

Last Name:		First Name:	M.I.
AKA Last Name:		First Name:	M.I.
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S__

Last Name:		First Name:	M.I.
AKA Last Name:		First Name:	M.I.
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S__

Last Name:		First Name:	M.I.
AKA Last Name:		First Name:	M.I.
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

See Other Side

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 011-00518-0275-013	Date: 1/11/11		Time: 1914 hours
Location: [redacted]		City or Station:	East Los Angeles Station
Bureau/Station/Facility:	Region I/ East Los Angeles	Admin. Investigation: YES ☐ NO ☒	
Type of Force:	Significant use of force, resulting in Shooting		
Deputy Injury: YES ☒ NO ☐		Suspect Injury YES ☒ NO ☐	
☐ Call	☒ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: YES ☒ NO ☐	Person Notified: Lieutenant Fredericks	Emp: [redacted]	IAB Roll Out: YES ☒ NO ☐

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name
[redacted]	Reyes	Daniel	NMN

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	H	East Los Angeles	Unit 21

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	5' 06"	185

	Coroner Case #	
☒ Injured ☒ Treated ☐ Admitted Hospital: LCMC		Directed Force ☐ Significant Force ☒

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	B	East Los Angeles	Unit 21

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	5' 10"	210

	Coroner Case #	
☒ Injured ☒ Treated ☒ Admitted Hospital: LCMC		Directed Force ☐ Significant Force ☒

E_

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital:		Directed Force ☐ Significant Force ☐

☐ **Additional Involved Employees**

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Valencia	Javier	NMN	Sgt.	YES ☐ NO ☒	YES ☐ NO ☒
[redacted]	Duran	Michael	Angel	Sgt.	YES ☐ NO ☒	YES ☐ NO ☒

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Dancel	Lyndon	Dequia

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Ladjevic	David	NMN

Lieutenant David Ladjevic
Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

Laura Haynes
Supervisor Completing Form: (**Print Name**) | [redacted] Emp #: | Copy Provided to Employee by: | Emp #:

Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only
FO# 2288190

Original: Discovery Unit
Copy: Unit Commander

Supervisor's Report on Use of Force
SUSPECT INFORMATION
0 1 1 - 0 0 5 1 8 - 0 2 7 5 - 0 1 3

Suspect Information

S 1

Last Name: Torres | First Name: Nestor | Middle Name: Ruiz

AKA Last Name: "Husky" | First Name: | Middle Name:

Sex: ☒ Male ☐ Female | Race: H | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 37 | Height: 5' 09" | D.O.B. 04-29-73 | Weight: 220 | Armed? ☒

Booking #: deceased | Primary Charge Code: | Secondary Charge Code: | Criminal History [redacted]

EMT in attendance? ☒ YES ☐ NO Name: ____ Unit: ____ Phone #: ____

Hospital Admission? ☐ Rec'd Treatment At: ____ Coroner Case #: ____ Mental History ☐

By Doctor: ____ Address: ____ Phone #: ____

Under Influence: ☒ YES ☐ NO Substance: Phencycladine | Mental Illness ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ____ Unit: ____ Phone #: ____

Hospital Admission? ☐ Rec'd Treatment At: ____ Coroner Case #: ____ Mental History ☐

By Doctor: ____ Address: ____ Phone #: ____

Under Influence: ☐ YES ☐ NO Substance: ____ | Mental Illness: ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ____ Unit: ____ Phone #: ____

Hospital Admission? ☐ Rec'd Treatment At: ____ Coroner Case #: ____ Mental History ☐

By Doctor: ____ Address: ____ Phone #: ____

Under Influence: ☐ YES ☐ NO Substance: ____ | Mental Illness ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ Additional Suspects Involved

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
011-00518-0275-013

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	39	[redacted]
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
[redacted]	[redacted]	[redacted]	39	11-07-72
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
[redacted]	[redacted]	[redacted]	39	[redacted]
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Work Ph.**	**Home Ph.**

☐ Additional Witness

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
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(CN) Canine
(CR) Carotid Restraint
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(FS) Firearm (Shotgun)
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(FB) Flashbang
(FL) Flashlight
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(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
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(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
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(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Torres	S#1	Reyes	E#1	RS		
Reyes	E#1	Torres	S#1	CT		
Reyes, [redacted]	E#1,2	Torres	S#1	CT		
Torres	S#1	[redacted]	E#2	FH	GS	FA
Reyes	E#1	Torres	S#1	FH	GS	FA

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED SHOOTING - DEPUTY INJURED
SUSPECT DECEASED
SIGNIFICANT USE OF FORCE - CONTROL HOLDS
IAB #SH2280312/FO2288190
FILE #011-00518-0275-013

Involved Employees:	**Daniel Reyes, Deputy Sheriff, #[redacted]** [redacted] **Deputy Sheriff, #[redacted]**
Date:	**January 11, 2011 (Tuesday)**
Time:	**Approximately 1914 hours**
Location:	[redacted] **Los Angeles, California 90022**

OPENING STATEMENT:

Deputy Reyes, Employee #[redacted] shot Suspect Torres, after Suspect Torres shot Deputy [redacted] Employee #[redacted]

Deputy Reyes and his [redacted] Deputy [redacted] were working East Los Angeles Unit 21, PM shift, when they observed a white Toyota Corolla, driving south on Brannick Avenue at Floral Drive, pull abruptly to the curb and stop in a red zone. Deputy Reyes stopped their patrol car, and yelling through the open windows, told the driver of the vehicle (later identified as [redacted] to move the vehicle from the red zone. At that time, Deputy Reyes saw Suspect Torres, who was seated in the front passenger seat of the vehicle, appeared nervous. Deputy Reyes decided to conduct a traffic stop and contact Suspect Torres. Deputy Reyes instructed Deputy [redacted] to contact the driver, Ms. [redacted]

Deputy Reyes had Suspect Torres exit the vehicle, and began to conduct a pat down search for their safety. Deputy [redacted] had returned to the patrol vehicle to run Ms. [redacted] for wants and warrants. As Deputy Reyes attempted to place Suspect Torres' hands behind his back, Suspect Torres pushed away from Deputy Reyes and attempted to run southbound. Deputy Reyes was able to grab the back of Suspect Torres' jacket and both fell to the ground. Deputy Reyes fought with Suspect Torres, who attempted to grab for Deputy Reyes' duty weapon. At this time, Deputy [redacted] assisted Deputy Reyes. Suspect Torres managed to lift both deputies off the ground, and from somewhere on his person, Suspect Torres produced a handgun, and fired at Deputy [redacted] striking him in the face. Deputy Reyes, fearing for his and his partner's life, drew his duty weapon and shot Suspect Torres.

Deputy [redacted] sustained a gunshot wound to the face. He was transported to the Los Angeles County/USC Medical Center where he was listed in critical, but stable condition. Deputy [redacted] left eye was later removed.

Deputy Reyes sustained bruises and abrasions to his knees and arms from the fight with Suspect Torres. He was transported to the Los Angeles County/USC Medical Center where he was treated and released.

Suspect Torres sustained a gunshot wound to the face. He was transported to the Los Angeles County/USC Medical Center where he was pronounced dead.

It was discovered that Suspect Torres was armed with two handguns during the altercation, a Glock Model 22, containing .40 caliber Smith and Wesson ammunition, which he used to shoot Deputy [redacted] as well as a .38 caliber Smith & Wesson, which was loaded with six rounds of ammunition. Both were recovered at the scene.

Two expended 9mm shell casings from Deputy Reyes' weapon were recovered at the scene, as well as two expended .40 caliber shell casings from Suspect Torres' weapon.

> **IAB Note**: IAB Lieutenant Stefanie Fredericks, Employee #[redacted] checked to see that the Watch Commander, Lieutenant David Ladjevic, Employee #[redacted] took reasonable steps to ensure that the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their attorney or representative. In addition, IAB Lieutenant Fredericks ensured the watch commander had involved and witness personnel gather in the company of a supervisor, Watch Sergeant Lyndon Dancel, Employee #[redacted] until they have provided a statement to the assigned investigators.

INVOLVED PERSONNEL:

Reyes, Daniel, Employee #[redacted]
Field Operations Region I
East Los Angeles Station

Work History:

Reyes, Daniel:
Date of Employment: 06-90
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

[redacted] **Employee #**[redacted]
Field Operations Region I
East Los Angeles Station

Work History:

[redacted]

Date of Employment: [redacted]
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

> **IAB Note:** [redacted] He returned to patrol, at East Los Angeles Station, in December of 2010.

SUSPECT:

Torres, Nestor MH/37 (deceased)

Criminal History:

Suspect Torres was a parolee with an extensive criminal history, [redacted] (Refer to **Exhibit A, pages 188 through 228**).

> **IAB Note:** Suspect Torres was on active parole at the time of this shooting. According to Parole Agent [redacted] Suspect Torres was considered a "high control" parolee, which means he was to constantly report to Agent [redacted]

EMPLOYEE WITNESSES:

There were no employee witnesses identified.

INJURIES:

Deputy [redacted] sustained a gunshot wound to the face. The bullet entered just below the left eye, causing major trauma to the left eye, and bone structure below the left eye. Deputy [redacted] also suffered a fractured lower mandible.

> **IAB Note:** Deputy [redacted] has since lost the left eye, has had nine surgeries to repair the damage caused by the gunshot, and will eventually receive a prosthetic left eye. Deputy [redacted] has not returned to work.

Deputy Reyes sustained bruises, and abrasions to his hands, arms and knees, as well as a strained neck and back.

Suspect Torres sustained a gunshot wound to the face. The entry wound was on the left side of his mouth. The trajectory of the bullet was front to back, and slightly to the right. The gunshot went through the neck and struck the spinal cord.

> **IAB Note**: Deputy Reyes was injured on duty (IOD) after the shooting and has been recovering at home. He is scheduled to return to work on January 10, 2012.

PHYSICAL EVIDENCE:

Physical evidence related to the Deputy-Involved shooting, crime scene, crime scene sketches, and all related documentation are contained in the Homicide Book (Refer to **Exhibit A, pages 70 through 74, 77 through 79, 82 through 96, and page 101).**

INVESTIGATOR OBSERVATIONS:

Responding Internal Affairs Bureau Sergeants walked through the crime scene and noted the area had illumination from overhead street lights. There was nothing remarkable beyond what was reported and documented during the investigation.

WEAPON USED BY DEPUTY PERSONNEL:

Deputy Reyes fired two rounds from his Beretta, model 92FS, 9mm Luger caliber semiautomatic pistol with serial number BER[redacted]Z, received with one loose cartridge and one magazine containing (13) cartridges, all 9mm Luger caliber (Refer to **Exhibit A, pages 89 through 93**).

> **IAB Note:** Deputy Reyes qualified with his department approved Beretta 92FS [redacted]

WEAPON USED BY SUSPECT:

Suspect Torres was in possession of two weapons, one Glock model 22, .40 S&W caliber semiautomatic pistol with serial number CAM[redacted]US, loaded with one full magazine. One Smith & Wesson, .38 S&W Special caliber revolver, serial number [redacted] loaded with six live .38 Special caliber cartridges (Refer to **Exhibit A, pages 92 and 93**).

PROPERTY DAMAGE:

There was minimal property damage observed to the right front windshield wiper of a Saturn Twin Cam, CA license #[redacted] which was parked on Brannick Avenue, north of Floral Drive, facing south. A corresponding bullet hole was observed in the lower right portion of the windshield. There was no additional damage reported (Refer to **Exhibit A, page 94).**

CRIMINAL INVESTIGATOR / CHARGES FILED:

None, suspect deceased.

LIGHTING AND WEATHER CONDITIONS:

Lighting and weather conditions were consistent with an early evening hour, approximately 1930 hours, during the month of January.

> **IAB Note**: Deputy Reyes described during his Internal Affairs Bureau interview, when asked about lighting, it wasn't yet dark, but rather dusk and he was able to see clearly. Additionally the traffic stop was under a street light.

INVOLVED EMPLOYEE STATEMENT:

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the recorded interviews and transcriptions.

Deputy Reyes:

Deputy Reyes was interviewed on January 12, 2011, by Homicide investigators Quintero, Employee #[redacted] and Ramirez, Employee #[redacted] at the Homicide Bureau.

Deputy Reyes was patrolling the area with his [redacted] Deputy [redacted] As they were traveling southbound Brannick Avenue, they saw a white compact vehicle, stopped along the curb in a red zone, which is also a bus stop. Deputy Reyes said when he initially saw the vehicle parked in the red zone, it was his intent to order them to move on. As they pulled alongside the driver side, of the white car, they saw a female driver, [redacted] and a male passenger (Torres).

Deputy Reyes decided to conduct a traffic stop. He told Deputy [redacted] to contact the driver, and he would contact the passenger. Deputy Reyes said he did not immediately recognize Suspect Torres upon his contact, but as they began to talk, Deputy Reyes recognized Suspect Torres from past contacts and knew he was an active "Lott 13" gang member. Deputy Reyes described Suspect Torres as, "A big guy with tattoos on his body," and Deputy Reyes knew him as "Husky."

Deputy Reyes said Suspect Torres immediately appeared nervous. When Deputy Reyes asked him for any identification, Suspect Torres began reaching for his waistband area, so Deputy Reyes ordered Suspect Torres to exit the vehicle. Deputy Reyes said as Suspect Torres exited the vehicle, "he turned away from Deputy Reyes and faced the open car door," appearing to Deputy Reyes that he did not want to turn and face him.

As Deputy Reyes moved toward Suspect Torres, to grab hold of his arms, Suspect Torres pushed backwards, against Deputy Reyes causing him to move backward. Suspect Torres attempted to run south on the sidewalk. Deputy Reyes said he was able to grab the back of the large jacket the suspect was wearing, and grabbed onto Suspect Torres in a "bear hug." Both Deputy Reyes and the suspect fell forward onto the sidewalk, close to the right front tire of the white compact vehicle.

Deputy Reyes said they began wrestling on the ground, with Suspect Torres yelling at Deputy Reyes, "Mother fucker, what the fuck," and violently thrashing against Deputy Reyes. Deputy Reyes recalled Deputy [redacted] assisting by trying to control Suspect Torres' arms. Deputy Reyes told investigators as the three were wrestling, Suspect Torres seemed to be attempting to reach for Deputy Reyes' holstered duty weapon. Deputy Reyes recalled using his right hand to push down on his weapon so Suspect Torres could not gain control of it. Deputy Reyes said during the struggle, he did try to broadcast on his hand-held radio that they were involved in a fight.

At this time, Suspect Torres was able to lift himself up off the ground with both deputies still holding him. Deputy Reyes said he then, "heard one or two gunshots," which sounded very close to him and Deputy [redacted] Deputy Reyes said he was so focused on controlling Suspect Torres, he did not immediately see Deputy [redacted] but believed Suspect Torres had shot and killed him. Deputy Reyes added, "The next thing he could recall was seeing Suspect Torres holding a gun in his hand, and turning it to point the muzzle in his direction. This was the first time he discovered that Suspect Torres was armed with a gun."

Deputy Reyes said "Fearing that the suspect had just shot Deputy [redacted] and was about to shoot him, he grabbed a hold of Suspect Torres' gun. The gun was actually pointed at his (Deputy Reyes') body as they were struggling for control of the weapon."

Deputy Reyes said he was able to turn the muzzle away from him and he recalled the gun going off at least two more times. As they continued to fight for control of the weapon, Deputy Reyes summoned the strength to push Suspect Torres against a chain link fence. Deputy Reyes said he was now in front of Suspect Torres. Deputy Reyes said he, "was able to un-holster his firearm with his right hand, as he backed up slightly, then raised his gun to face level, and fired two rounds." He believed he struck the suspect in the face or head. Deputy Reyes told investigators he knew if he did not shoot Suspect Torres, Suspect Torres would have killed him.

At this point, Deputy Reyes saw Deputy [redacted] on his hands and knees, bleeding from his face. Deputy [redacted] was able to get to his feet, and Deputy Reyes said he again tried to broadcast emergent traffic on his hand-held radio. Assuring Deputy [redacted] he would be okay, and advising him he needed to return to the radio car, Deputy Reyes ran to the radio car to put out emergent traffic, then returned to Deputy [redacted] who was now being assisted by civilians with towels.

Deputy Reyes told Homicide investigators he was certain Suspect Torres shot Deputy [redacted] with a black semiautomatic pistol. He said he remembered, "Seeing the semiautomatic pistol in Suspect Torres' hand in the instant prior to him grabbing onto it."

> **IAB Note**: Deputy Reyes believed his hand-held radio had switched frequencies during the struggle, and that's why he could not transmit emergent traffic.

<u>Deputy Reyes:</u>

Deputy Reyes was interviewed at the San Dimas Sheriff Station by Sergeant Laura Haynes, Employee #[redacted] on August 30, 2011. He was represented by Liz Gibbons of Green and Shinee.

Deputy Reyes essentially told the same account as given to Homicide investigators during that interview. Deputy Reyes explained when he saw the white car parked in the red zone, it was his intent to tell the driver to move out of the area. Deputy Reyes said he became suspicious when the passenger appeared nervous, and was slouching down in the seat. Deputy Reyes said he backed up, parallel to the white vehicle. He told Deputy [redacted] to contact the driver ([redacted] and he would contact the passenger (Suspect Torres).

Upon Deputy Reyes' contact with Suspect Torres, he was unaware Deputy [redacted] had reentered the radio car. Deputy Reyes explained as he contacted Suspect Torres, he immediately recognized him from previous contacts, and knew he was an active "Lott 13" gangmember. As Deputy Reyes ordered Suspect Torres to exit the passenger side of the vehicle, and Deputy Reyes began his pat down, Suspect Torres pulled away from Deputy Reyes, attempting to run south on the sidewalk. Deputy Reyes was able to grab the back of the suspect's jacket, and grabbed the suspect in a "bear hug." The momentum caused both the deputy and suspect to fall to the ground. This prompted Suspect Torres to violently begin his assault on Deputy Reyes. Deputy Reyes described, he was now fighting with Suspect Torres, who tried to remove Deputy Reyes' duty weapon from his holster.

As Deputy Reyes was fighting with Suspect Torres, Deputy [redacted] arrived to assist. Suspect Torres pushed Deputy [redacted] away from him, was able to regain his footing. From somewhere on his body, Suspect Torres produced a handgun, and shot Deputy [redacted] in the face. Deputy Reyes was able to push Suspect Torres against a chainlink fence, hold him there, while he removed his duty weapon with his right hand, and shot Suspect Torres in the face. Deputy Reyes then ran to assist Deputy [redacted] Deputy Reyes said he tried to transmit emergent radio traffic on his hand-held radio, but sometime during the struggle the radio had switched frequencies, and he knew his emergent traffic was not transmitting. Deputy Reyes ran to the radio car, and utilizing the car radio, was able to transmit emergent radio traffic of "deputy down" (Refer to **Miscellaneous Documents** for CD of radio traffic).

IAB Note: During the IAB interview, Deputy Reyes described the violent assault with Suspect Torres was so arduous, at one point he was not sure he could continue. Deputy Reyes said his training "kicked in" and he knew he was not going to let the suspect kill him. Deputy Reyes said he was in a fight for his life.

IAB Note: There is no indication that Deputy Reyes viewed the "[redacted]" DVD after his Homicide interview. The video is extremely dark and grainy. Although Deputy Reyes can initially be seen exiting the radio car, the subsequent struggle and shooting is not clear.

Deputy [redacted]

Deputy [redacted] was interviewed by Homicide investigators Quintero, Employee #[redacted] and Ramirez, Employee #[redacted] at Homicide Bureau on April 08, 2011. He was represented by Anna Slotky of Green and Shinee.

Deputy [redacted] was asked about the traffic stop on the night of the shooting. Deputy [redacted] told investigators he was the book man and his [redacted], Deputy Reyes, was driving. They noticed a white vehicle parked in a red zone and they pulled next to it. Deputy Reyes yelled to the female driver, Ms. [redacted] to move her vehicle from the red zone she was parked in.

She provided Deputy [redacted] with her driver's license, and he reentered the radio car to run her driver's license through the mobile digital terminal in the radio car. Deputy [redacted] said he recalled Deputy Reyes exiting the radio car, but he did not remember what he did after that.

Deputy [redacted] said the next thing he recalled was that he did not see Deputy Reyes any longer, so he exited the radio car and saw Deputy Reyes wrestling on the ground with the suspect from the vehicle. Deputy [redacted] said he tried to retrieve his Taser, but was unable to get it out of the holster. He assisted Deputy Reyes, by trying to control Suspect Torres' arms, but said Suspect Torres was very strong. Deputy [redacted] said Suspect Torres was able to push the deputies away, and regained his footing.

Deputy [redacted] said the next thing he remembered, he was at the front of the radio car and Deputy Reyes was yelling his name, "[redacted] are you with me?" Deputy [redacted] said he did not realize he had been shot until he saw blood on the front of his uniform shirt. He recalled citizens running to him with towels, and the paramedics arriving. Deputy [redacted] had no memory of how he was shot, or the actual shooting.

IAB Note: Deputy [redacted] was not re interviewed by Internal Affairs Bureau, due to the traumatic injury Deputy [redacted] suffered, his ongoing recovery, and the fact he had very limited recollection of his actions.

IAB Note: A surveillance video from the "[redacted]" which is located north/east of the shooting scene, captured the traffic stop. The video was shown to Deputy [redacted] after his initial statement to Homicide investigators. It did not change his recollection of the incident (Refer to **Miscellaneous Documents** for "[redacted]" DVD).

WITNESS STATEMENTS:

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the recorded interviews and transcriptions.

Many witnesses interviewed by Homicide investigators, and East Los Angeles Sheriff Station personnel, heard gunshots, or saw Deputy [redacted] on the ground bleeding heavily, but did not witness the Deputy-Involved shooting. Of those interviewed, the following witnesses provided information to Homicide investigators, describing Suspect Torres' violent assault on Deputy Reyes, and the Suspect's shooting of Deputy [redacted]

Civilian Witness [redacted]:

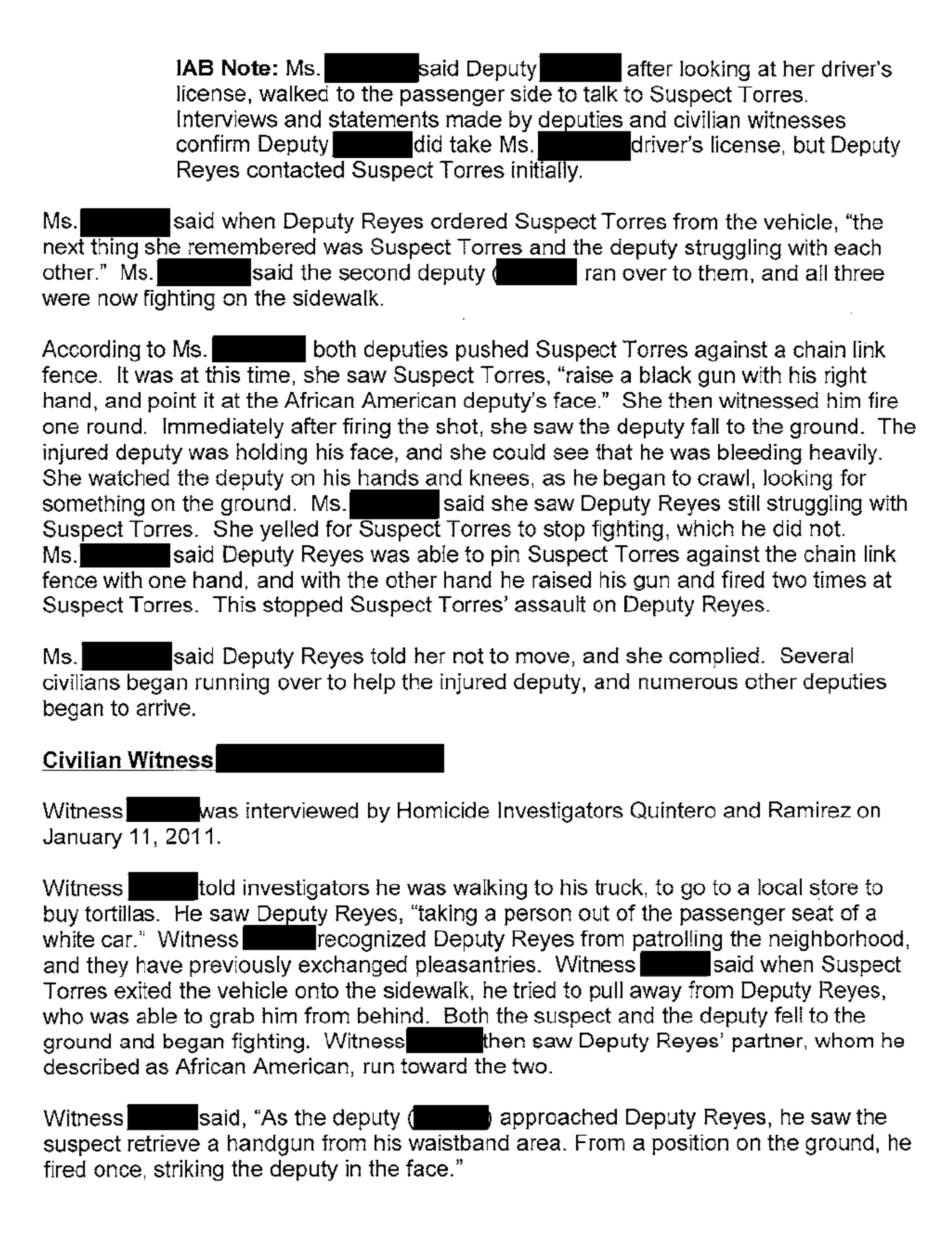
Ms. [redacted] was interviewed by Homicide investigators Quintero and Ramirez on January 11, 2011.

Ms. [redacted] was the driver of the vehicle, and Suspect Torres was the passenger, when deputies contacted them. Ms. [redacted] said she pulled the vehicle over to adjust her leg brace. She looked out her driver's side window and saw the police car pull alongside her, stating, "they hit the light next to me."

IAB Note: Ms. [redacted] told investigators she was in a [redacted] with Suspect Torres since October 2010. She added she met him while she was working at the [redacted]

Ms. [redacted] said Suspect Torres started yelling at her, "What the hell are you doing," and he yelled at her to drive away.

Ms. [redacted] told investigators one of the deputies asked her for her driver's license. She reached for her license in the glove compartment of her vehicle, and that same deputy exited the radio car and took her license from her. Ms. [redacted] described after the deputy looked at her driver's license, he walked to the passenger side of her vehicle to talk to Suspect Torres. Ms. [redacted] said she remembered Suspect Torres saying something to the effect of, "I can't go back to prison." Ms. [redacted] stated to investigators this comment made her nervous.



> **IAB Note:** Ms. [redacted] said Deputy [redacted] after looking at her driver's license, walked to the passenger side to talk to Suspect Torres. Interviews and statements made by deputies and civilian witnesses confirm Deputy [redacted] did take Ms. [redacted] driver's license, but Deputy Reyes contacted Suspect Torres initially.

Ms. [redacted] said when Deputy Reyes ordered Suspect Torres from the vehicle, "the next thing she remembered was Suspect Torres and the deputy struggling with each other." Ms. [redacted] said the second deputy ([redacted] ran over to them, and all three were now fighting on the sidewalk.

According to Ms. [redacted] both deputies pushed Suspect Torres against a chain link fence. It was at this time, she saw Suspect Torres, "raise a black gun with his right hand, and point it at the African American deputy's face." She then witnessed him fire one round. Immediately after firing the shot, she saw the deputy fall to the ground. The injured deputy was holding his face, and she could see that he was bleeding heavily. She watched the deputy on his hands and knees, as he began to crawl, looking for something on the ground. Ms. [redacted] said she saw Deputy Reyes still struggling with Suspect Torres. She yelled for Suspect Torres to stop fighting, which he did not. Ms. [redacted] said Deputy Reyes was able to pin Suspect Torres against the chain link fence with one hand, and with the other hand he raised his gun and fired two times at Suspect Torres. This stopped Suspect Torres' assault on Deputy Reyes.

Ms. [redacted] said Deputy Reyes told her not to move, and she complied. Several civilians began running over to help the injured deputy, and numerous other deputies began to arrive.

<u>Civilian Witness [redacted]</u>

Witness [redacted] was interviewed by Homicide Investigators Quintero and Ramirez on January 11, 2011.

Witness [redacted] told investigators he was walking to his truck, to go to a local store to buy tortillas. He saw Deputy Reyes, "taking a person out of the passenger seat of a white car." Witness [redacted] recognized Deputy Reyes from patrolling the neighborhood, and they have previously exchanged pleasantries. Witness [redacted] said when Suspect Torres exited the vehicle onto the sidewalk, he tried to pull away from Deputy Reyes, who was able to grab him from behind. Both the suspect and the deputy fell to the ground and began fighting. Witness [redacted] then saw Deputy Reyes' partner, whom he described as African American, run toward the two.

Witness [redacted] said, "As the deputy ([redacted]) approached Deputy Reyes, he saw the suspect retrieve a handgun from his waistband area. From a position on the ground, he fired once, striking the deputy in the face."

Witness [redacted] said after he witnessed Suspect Torres shoot Deputy [redacted] in the face, he was now in fear for his safety, and ran westbound toward an alley, north of his residence.

He added as he was running toward his backyard, "He heard two (2) or three (3) more shots." He described the sounds as one more shot followed by two shots in rapid succession. He indicated the last two shots sounded different, "like they were from a different gun." Witness [redacted] "believed the first two shots were from the suspect's gun, while the second two shots were from the deputy's gun."

Witness [redacted] said he made his way back to the front of his residence, where he saw Deputy [redacted] bleeding heavily, so he ran to assist.

Civilian Witness [redacted]

Mrs. [redacted] was interviewed on January 12, 2011, by Homicide investigators at the East Los Angeles Station. IAB Sergeant Haynes and Sergeant Grote, Employee #[redacted], monitored the interview from a separate room that had a live feed camera.

Mrs. [redacted] told investigators she was standing on her front porch when she saw a sheriff's vehicle making what she described as a "routine stop," in front of her residence. Ms. [redacted] said she heard the sheriff deputies inside the radio car tell the individuals inside the white vehicle to stop.

Mrs. [redacted] said she saw Suspect Torres, who she has known for fifteen years from the neighborhood as "Husky," inside the passenger side of the white vehicle, yelling to the driver to "go, fucking, go." Mrs. [redacted] knew Suspect Torres was on parole, and was known to always carry a gun, as well as an active "Loff 13" gang member.

Mrs. [redacted] said she then heard the deputies yelling, "Stop, put your hands up," and one of the deputies, whom she recognized as Deputy Reyes, began to "pat down" Suspect Torres. Mrs. [redacted] saw Suspect Torres pull away from Deputy Reyes, and both Deputies Reyes and [redacted] were fighting with Suspect Torres. Mrs. [redacted] said, "Husky was kicking their ass."

Mrs. [redacted] watched as Suspect Torres pushed Deputy [redacted] away from him. Suspect Torres retrieved a black handgun from his person, and she saw Deputy Reyes and Suspect Torres fighting over the black handgun. Mrs. [redacted] distinctly recalled observing Suspect Torres deliberately shoot Deputy [redacted] in the face. She added that Deputy [redacted] attempted to re engage Suspect Torres, but was unable to do so due to the gunshot wound to his face.

Mrs. [redacted] told investigators, "The suspect fired twice." She stated "Husky" was cursing the entire time while fighting with the deputies. Mrs. [redacted] stated in her opinion, "the deputies were fighting for their lives."

Mrs. [redacted] said she "believed the suspect fired one round from his gun, and that Deputy Reyes shot twice from his handgun." Mrs. [redacted] did not add anything further regarding the Deputy-Involved shooting.

SUSPECT STATEMENT:

None, suspect deceased.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JACQUELYN LACEY • Chief Deputy District Attorney
PATRICK R. DIXON • Assistant District Attorney

JANICE L. MAURIZI • Director

August 22, 2011

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 11-0039
L.A.S.D. File # 011-00518-0275-013

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 11, 2011, fatal shooting of Nestor Torres by Los Angeles County Sheriff Deputy Daniel Reyes. It is our conclusion that Deputy Reyes acted in lawful self-defense.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department (LASD), submitted to this office by Investigators Marcelo Quintero and Richard Ramirez, LASD, Homicide Bureau. The District Attorney's Command Center was notified of the shooting on January 11, 2011, at approximately 8:28 p.m. The District Attorney Response Team, comprised of Deputy District Attorney Deborah Escobar and District Attorney Senior Investigator Norman Weisenstein, responded and was given a briefing and a walk-through of the scene. Deputy Reyes provided a voluntary statement which was considered as part of this analysis.

FACTUAL ANALYSIS

On January 11, 2011, at 7:14 p.m., Deputies Daniel Reyes and [redacted] conducted a traffic stop of a vehicle parked southbound in a red zone on N. Brannick Avenue south of Floral Drive in East Los Angeles. [redacted] was the driver of the car and Nestor Torres was the front passenger. Torres was ordered out of the vehicle after Reyes observed him make furtive movements with his hands. Torres attempted to flee and Reyes grabbed his jacket bringing them both to the ground. A struggle ensued. Deputy [redacted] came to Reyes' assistance as they tried to gain control over Torres. During the struggle, Torres shot Deputy [redacted] in the face with a semiautomatic handgun resulting in the loss of his left eye. During a battle between Reyes and Torres over the gun, Torres fired two more rounds. In fear for his life, Reyes fired his

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service weapon striking Torres in the face and fatally wounding him. Torres had a second firearm, a .38 caliber revolver, which a witness saw in his possession. It was recovered against the west curb in the area Deputy [redacted] was shot.

Statement of Deputy Daniel Reyes

Deputy Reyes has been a deputy sheriff for twenty years. On January 11, 2011, he was assigned to the East Los Angeles Sheriff Station as a training officer to Deputy [redacted] While on patrol shortly after 7:00 p.m., he observed a white compact car parked southbound in front of [redacted] in a red zone.[1] He stopped alongside the vehicle and [redacted] asked the driver, [redacted] why she was parked there. Reyes noticed a male sitting in the front passenger seat and decided to contact him. He advised [redacted] to contact [redacted] while he contacted the passenger.

As he approached the open passenger window, Reyes recognized the male as a "Lott 13" gang member with the moniker of Husky.[2] Torres appeared nervous and started fidgeting around in his seat. Reyes asked Torres for identification. Torres started moving back and forth and reached for his pants pocket and center console. Based on Torres' suspicious behavior, Reyes opened the door and ordered Torres to get out of the car. Torres stepped out and turned his back toward Reyes. He pushed his body backward then ran southbound. Reyes grabbed Torres' jacket and they both fell to the ground near the front tire of the white car.

Reyes tried to grab Torres' arms as they wrestled with each other. Torres was screaming obscenities and violently fighting with Reyes in an attempt to escape.[3] Ahmed ran over to assist Reyes. The deputies got on top of Torres and tried to restrain him. At some point during the fight, Reyes was concerned that Torres was trying to take his service weapon. He used his right hand to cover his gun. He also tried to use his hand held radio to call for assistance but was unsuccessful. As this was occurring, Torres was able to push himself to his feet with the two deputies still hanging onto him.[4] Reyes then heard one to two gunshots in close proximity to him. Reyes could no longer see [redacted] while Torres was still standing. Reyes believed that Torres had just shot and killed his partner. Torres turned toward Reyes with a black semiautomatic handgun pointed at his chest. Reyes grabbed the gun's muzzle and tried to push it away from his body. The struggle over the gun seemed to take a long time and Reyes became exhausted. As he felt himself losing the battle, his adrenaline and training kicked in and he was able to twist the gun away from his body, north toward Floral Drive. Reyes heard what he thought were two gunshots and realized that Torres was still trying to shoot him. Reyes forcibly pushed Torres against the chain link fence that separated the sidewalk from the front yard of [redacted] with one hand still on Torres' gun. While holding Torres against the fence, Reyes removed his service weapon from its holster with his right hand and fired two rounds,

[1] Reyes was the driver and [redacted] was the passenger.
[2] The passenger was later identified as Nestor Torres.
[3] As a result of the fight with Torres, Reyes sustained abrasions to his knees, elbows and hands.
[4] Torres was 5'9" and weighed 225 lbs. Reyes is 5'6" and weighs 180 lbs. [redacted] is 5'9" and weighs 190 lbs.

striking Torres once in the face. Reyes was certain that if he had not shot Torres, Torres would have killed him.

Reyes saw [redacted] stand up from the ground. He had blood flowing from his face and his left eye was swollen shut. Neighbors were assisting him. Reyes ran to the police car and put out a "deputy down" assistance request.

In addition to Torres' semiautomatic weapon, Reyes observed a large revolver and Deputy [redacted] service weapon on the ground after the shooting.

Statement of Deputy [redacted]

Deputy [redacted] has been a deputy sheriff for approximately four years. Prior to being hired by the Sheriff's Department, [redacted] was a soldier in the United States Army and was a combat duty medic.

On January 11, 2011, [redacted] was assigned as a patrol trainee with Deputy Reyes as his training officer. While on patrol, Reyes stopped their police car alongside a white vehicle that had parked in a red zone. Reyes asked the female driver why she was parked there. [redacted] noticed Torres in the front passenger seat. [redacted] exited the police vehicle and approached [redacted] and asked for her driver's license. After she gave him her license, he ran her information on the mobile digital terminal (MDT) inside the police car.

Meanwhile, Reyes had exited the police car and walked toward the white car. [redacted] looked up from the MDT and could no longer see Reyes. He quickly got out of the car and observed Reyes in a fight on the ground with Torres. [redacted] joined Reyes in the fight and tried to subdue Torres. [redacted] attempted to use his taser, but he was unable to remove it from its holster. The last thing he recalled before being shot was Torres getting up from the ground. He did not see Torres with a gun and he did not hear a gunshot. At first, [redacted] did not know he had been shot. He got up from the ground, although he does not know how he got there. When he felt warm liquid on his face and saw his hands and shirt covered in blood, he realized he had been shot. [redacted] stood at the hood of the police car while Reyes called for assistance. Citizens gave him a towel. At some point, he realized that his service weapon was no longer in his holster, but he does not recall removing it. [redacted] did not see what happened to Torres. The paramedics arrived and he was transported to Los Angeles County Medical Center. The bullet entered just below his left eye causing major trauma to the pupil and bone structure beneath it. As a result, surgeons had to remove his eye. The bullet detached his right jaw at the hinge when it exited his and had to be wired shut. He was in the hospital for two months and has had five surgeries as of April 8, 2011.

Statement of [redacted]

[redacted] and Torres had been dating since November 2010. At 7:00 p.m., on January 10, 2011, [redacted] drove Torres to his [redacted] house in East Los Angeles. Torres went inside for

several minutes then returned and asked her to drive him to another location.[5] While driving to the second location, she pulled over to adjust a leg brace that she wore as a result of a medical condition. She made a right turn from Floral Drive then pulled over to the curb.

Moments later, Torres yelled, "What the hell are you doing?" She looked up and saw a police car with two deputies stopped next to her car. One of the deputies asked for her driver's license. As she retrieved her license, the passenger deputy exited the police vehicle and approached her. He took her license then walked to the passenger side to speak with Torres. As the deputy approached the passenger door, she heard Torres say something to the effect of, "I can't go back to prison."[6] [redacted] did not know why Torres said that and it made her very nervous. The deputy opened the front passenger door and ordered Torres to exit the car. He pulled Torres out of the car and began to search him. The next thing she noticed was the deputy and Torres struggling with each other. The second deputy rushed to his partner's aide. They fought on the sidewalk and street then fell to the ground. She observed Torres raise a black gun with his right hand and point it at [redacted] face. Torres fired one round and the deputy immediately fell to the ground bleeding and holding his face. He crawled on his hands and knees as if he were looking for something on the street.

The second deputy was struggling with Torres on the sidewalk. The deputy pushed Torres into a chain link fence as they wrestled with each other. With one hand, the deputy pinned Torres to the fence, and with the other hand he raised his gun and fired twice at Torres. Torres became motionless. His clothing caught on the fence and he was hanging from it. The deputy walked toward her and ordered her not to move. He then used the police car's radio to summon for assistance. Several citizens approached the wounded deputy and assisted him in the street. A few moments later, additional police units arrived at the scene.

Statement of [redacted]

[redacted] lives [redacted] of the shooting location. He was leaving his home when he noticed that two deputies had stopped a white car. He observed Deputy Reyes take the passenger out of the car and walk him to the sidewalk.[7] The passenger suddenly pulled away as if he was trying to flee. Reyes grabbed him from behind and they both fell to the ground and began to struggle. Reyes' partner ran to his aide. As the partner approached Reyes, the passenger retrieved a revolver from his waistband area. While on the ground, the man fired one time and struck the partner deputy in the face.[8] In fear for his safety, [redacted] ran down an alley and jumped the fence into his backyard. As he was running, he heard two or three more shots. He described the sounds as one shot followed a short time later by two shots in rapid succession. He indicated that the last two shots sounded as if they came from a different gun than the first one. He made his way back to his front yard and saw the injured deputy holding his face and

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[5] [redacted] told investigators that her [redacted] came to her residence and asked for money.

[6] [redacted]

[7] Deputy Reyes regularly patrolled the neighborhood and [redacted] knew him by his name.

[8] As the ballistic evidence will show later, the revolver was never fired.



bleeding heavily. He went to assist him. He noticed the male passenger was hanging by his clothes from a chain link fence.

Statement of [redacted]

[redacted] is the [redacted] of [redacted] She was standing on her porch when she observed a sheriff's vehicle make a traffic stop. She recognized the car's passenger as Nestor Torres who has the moniker of "Husky." She has known him for fifteen years and knew that he was a "Lott" gang member who always carried a gun.

Torres was telling the driver, "Go, fuckin' go!" when the police car stopped them. Eventually, Torres was removed from the car and one of the deputies patted him down. Torres tried to pull away and it led to a fight with the deputies. It appeared that Torres had the advantage over the deputies during the fight. Torres pushed [redacted] away from him. He was holding a black handgun that was not a revolver. She saw Torres repeatedly shoot [redacted] in the face. [redacted] tried to get back into the fight but was unable to do so. In her opinion, the deputies were fighting for their lives. Reyes fought Torres for possession of the gun. She believed that Torres fired one round and Reyes fired two rounds.

Statement of [redacted]

[redacted] lives on the [redacted] of [redacted] He was in his bedroom when he heard two gunshots. He went to the front door and saw [redacted] on his hands and knees on the street as if he was trying to locate something. Reyes and Torres were struggling on the sidewalk. It appeared that Torres was giving Reyes a "bear hug" until the deputy was able to break free. Torres was holding something that could have been a handgun. He heard Torres say, "What the fuck." He then saw him leaning against the fence as if he had been shot by the deputy. At that time, [redacted] saw a handgun lying on the sidewalk.

Cause of Death and Toxicology

Torres was transported to Los Angeles County Medical Center and was pronounced dead at 7:52 p.m. Los Angeles County Deputy Medical Examiner Yulai Wang, M.D., conducted the autopsy on January 13, 2011. Torres sustained a fatal gunshot wound to his face that went through his neck and struck his spinal cord. A projectile was recovered from his body and booked into evidence. The toxicology report revealed that Torres' blood tested positive for cocaine, methamphetamine and phencyclidine. Torres also had a 0.12% blood alcohol level.

Ballistic Evidence and Analysis

A black Smith & Wesson, .38 special caliber revolver was located adjacent to the west curb in front of [redacted] The firearm was loaded to capacity with six rounds in the cylinder.

Deputy [redacted] service weapon, a Beretta 9mm Luger semiautomatic handgun, was located in the street in front of [redacted] It had one round in the chamber and the magazine was loaded to capacity with fifteen rounds.

Reyes' service weapon, a Beretta 9mm Luger semiautomatic handgun, had one round in the chamber and thirteen live rounds in the magazine when it was recovered after the shooting. The rounds were head stamped "WIN 9mm Luger." The magazine had a cartridge capacity of fifteen rounds.

A fired cartridge casing, head stamped "WIN 9mm Luger," was located on the sidewalk in front of [redacted] It was identified as having been fired from Deputy Reyes' service weapon.

A fired cartridge casing, head stamped "WIN 9mm Luger," was located on the front lawn in front of the residence at [redacted] on the west side of the chain link fence. It was identified as having been fired from Deputy Reyes' service weapon.

The bullet jacket and core fragments recovered during Torres' autopsy were identified as having been fired from Deputy Reyes' service weapon.

The first unit to arrive at the scene after the shooting observed a Glock model 22, .40 caliber semiautomatic handgun on the sidewalk next to Torres' left hand as a he hung from the chain link fence. The weapon had an empty cartridge casing jammed in the chamber, head stamped "Federal 40 S&W." It had thirteen rounds in the magazine with a cartridge capacity of fifteen rounds.[9]

A fired cartridge casing, head stamped "Federal 40 S&W," was located on the sidewalk just north of the location that Torres came to rest on the chain link fence. It was identified as having been fired from the Glock semiautomatic handgun.

A bullet hole was located in the windshield of a Saturn vehicle parked southbound on the west side of N. Brannick Avenue approximately 200 feet north of the shooting location. A fired bullet was recovered from the headliner above the right rear passenger seat.

Bullet jacket fragments were removed from Deputy [redacted] during surgery. These fragments were compared with the fired bullet removed from the Saturn and the Glock semiautomatic with inconclusive results. The items exhibited similar general rifling characteristics, however due to their damaged condition, the fired bullets lack sufficient individual characteristics for identification or elimination.

The bullet jacket fragments removed from [redacted] and the fired bullet from the Saturn were not fired from either Deputy [redacted] or Reyes' service weapon.

[9] The Glock had been stolen between December 10 and 11, 2009, during a vehicle burglary in Prescott, Arizona.



Video Surveillance

A neighborhood store at the northeast corner of N. Brannick Avenue and Floral Drive had four exterior surveillance cameras operating at the time of the shooting. Two cameras captured portions of the traffic stop and interaction between the deputies and Torres. The distance from the scene and quality of the video make it difficult to see anything with great clarity. In addition, a street sign and the two involved vehicles obstructed most of what occurred on the sidewalk and street. The surveillance video does show that 1:36 minutes elapsed between the time [redacted] is seen exiting the patrol car to assist Reyes and the time Reyes is seen running back to the patrol car to put out the assistance call.

CONCLUSION

The use of deadly force in self-defense or in defense of another is justifiable if the person claiming the right actually and reasonably believed (1) that he or the person he was defending was in imminent danger of being killed or suffering great bodily injury, (2) that the immediate use of force was necessary to defend against that danger, and (3) that he used no more force than was reasonably necessary to defend against that danger.
[See *California Criminal Jury Instructions—CALCRIM 505*]

The evidence examined in this investigation shows that Nestor Torres was armed with two firearms at the time that Deputies [redacted] and Reyes came in contact with him. When he told [redacted] he was not going back to prison, he signaled a desire to avoid arrest at all cost. First, he attempted to flee from Reyes then elected to fight with both deputies rather than submit to their authority. During the fight, he removed one of his guns and shot Deputy [redacted] While he and Reyes struggled over the gun, he fired two more rounds. We find that Torres' life threatening actions placed Reyes in actual, imminent danger of death or great bodily injury. With the knowledge that his partner had been shot and that Torres was still trying to shoot him in a desperate attempt to escape, Reyes' response with deadly force was both reasonable and necessary. We find that Reyes acted in lawful self-defense and are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

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c: Deputy Daniel Reyes #[redacted]